



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No. 2242
Wesley M. Mays) GAU: 2612
Serial No. 10/795,993) Examiner: Daryl C. Pope
Filed: March 10, 2004) Attorney Docket No. 114944-00451
For: AUTOMATED VEHICLE) Date: August 28, 2006
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TRAVERSAL OF FINALITY OF OFFICE ACTION

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Rejection mailed July 25, 2006, the Applicant, through undersigned counsel, respectfully submits that the finality of the Final Rejection is premature and therefore respectfully requests that the finality of the Final Rejection be withdrawn.

Under MPEP § 706.07(a),

second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

In the present application, the Final Rejection introduces just such a new ground of rejection. The new ground of rejection is applied not only to the system claims, but also to method claims 10-16, none of which have been amended during prosecution. Also, the newly applied prior art was not cited in an Information Disclosure Statement filed under 37 C.F.R. §

1.97(c), but was instead cited by the Examiner. Therefore, the new ground of rejection, as applied to claims 10-16, is exactly the sort of new rejection which, under MPEP § 706.07(a), should not be made final.

For the reasons set forth above, the Applicant respectfully requests that the finality of the Final Rejection be withdrawn and that any response filed thereto be considered as having been filed in response to a non-final Office Action.

Please charge any shortage of fees or credit any overpayment thereof to BLANK ROME LLP, Deposit Account No. 23-2185 (114944-00451). It is respectfully submitted that no Petition for Extension of Time is required to accompany the present submission. However, in the event that a separate Petition for an Extension of Time is required to render this submission timely and either does not accompany this submission or is insufficient to render this submission timely, the Applicant herewith petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

By: 

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